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9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13
14 **IN RE: PETITION OF JENNIFER**
GRANICK AND RIANA PFEFFERKORN

CASE NO. CV 16-80206 MISC. KAW

15 **EX PARTE DECLARATION OF AUSA AULT**
16 **IN SUPPORT OF OBJECTIONS TO MOTION**
17 **TO UNSEAL DOCKET SHEETS AND**
PUBLICLY DOCKET COURT RECORDS

18 **(UNDER SEAL)**

19 I, Kirstin Ault, make the following declaration under penalty of perjury upon information and
20 belief based on information provided to me by employees of the United States Attorney's Office for the
21 Northern District of California (USAO NDCA):

22 1. I am an Assistant United States Attorney in the United States Attorney's Office for the
23 Northern District of California.

24 2. Review of our files indicates that the following types of documents are typically given
25 "MISC" numbers by the Northern District of California (NDCA) clerk's office when filed as part of a
26 pre-charging criminal investigation:

- 27 • Applications and orders pertaining to grand jury matters
28 • Wiretap applications, orders, and associated documents

- Pen register applications and orders
- Ex parte tax applications, orders, and associated documents
- Search warrant applications, warrants, and associated documents
- Stored Communications Act (SCA) applications, orders, and associated documents
- Applications and orders pertaining to Mutual Legal Assistance Treaty (MLAT) and extradition matters
- All Writs Act applications, orders, and associated documents.

There may be other types of documents that receive miscellaneous numbers from the NDCA clerk's office that were not uncovered during our search. An effort has been made below to provide specific examples of the interests that will be harmed by unsealing the types of documents implicated by Petitioners' Motion. Where possible, documents filed in matters listed on Petitioners' Exhibit A are cited. In other cases, representative documents from other matters are provided as examples.

Documents Not Associated with an AUSA

3. Review of PACER records as well as our internal files indicates that approximately 34 of the matters listed on Exhibit A to Petitioners' Motion are not associated with an AUSA from the NDCA. Several of these matters appear to be associated with cases filed in other districts or appear to be documents initiated by defense counsel, rather than counsel for the United States. For example, CR 08-90542 MISC PVT, appears to be a request by an assistant federal public defender to be appointed counsel prior to a criminal charge being filed. In addition, a number of these matters appear not to involve sealed records. For example, when I clicked on the documents listed in the PACER records for *United States v. Anderson*, CR 09-90709 MISC SI, I was able to view them.

Grand Jury

4. A wide variety of orders relating to the grand jury are filed as "misc" matters. All grand jury matters are filed under seal pursuant to federal rules and statutes that prohibit the disclosure of grand jury materials. Examples of grand jury matters filed under seal include:

- Compulsion and immunity orders for grand jury witnesses, as well as contempt proceedings. These documents necessarily contain the names of grand jury

witnesses and may discuss the nature of the grand jury's investigation and its targets;

- Orders relating to grand jury subpoenas, such as non-disclosure orders, which may reveal the nature of the grand jury's investigation, its witnesses, and targets.
- Orders permitting the sharing of grand jury information with state prosecutors. These orders typically contain information about the grand jury's investigation, including the names of targets and witnesses. Investigations shared with state agencies may be those where a decision was made not to bring federal charges, and the state district attorney or attorney general is considering whether to pursue the matter;
- Orders permitting federal government contractors to have access to grand jury materials. These order typically contain information about the grand jury's investigation, including the names of targets and witnesses;
- Orders pertaining to the conduct of the grand jury, such as the dismissal of grand jurors for innocuous reasons or for misconduct, the seating of new grand jurors, and the appointment of a replacement foreperson or deputy foreperson. These orders necessarily contain the names of the grand jurors and may reveal private facts about them.

5. Applications and orders relating to grand jury matters are virtually never unsealed or disclosed except pursuant to a protective order where they are deemed necessary as discovery in a criminal prosecution. Such protective orders require that the parties to whom grand jury materials are disclosed keep those materials secure and prohibit disclosure of the materials except in connection with the defense of the criminal matter. Documents concerning a grand jury investigation that did not lead to a criminal prosecution are maintained under seal as required by statute and not disclosed.

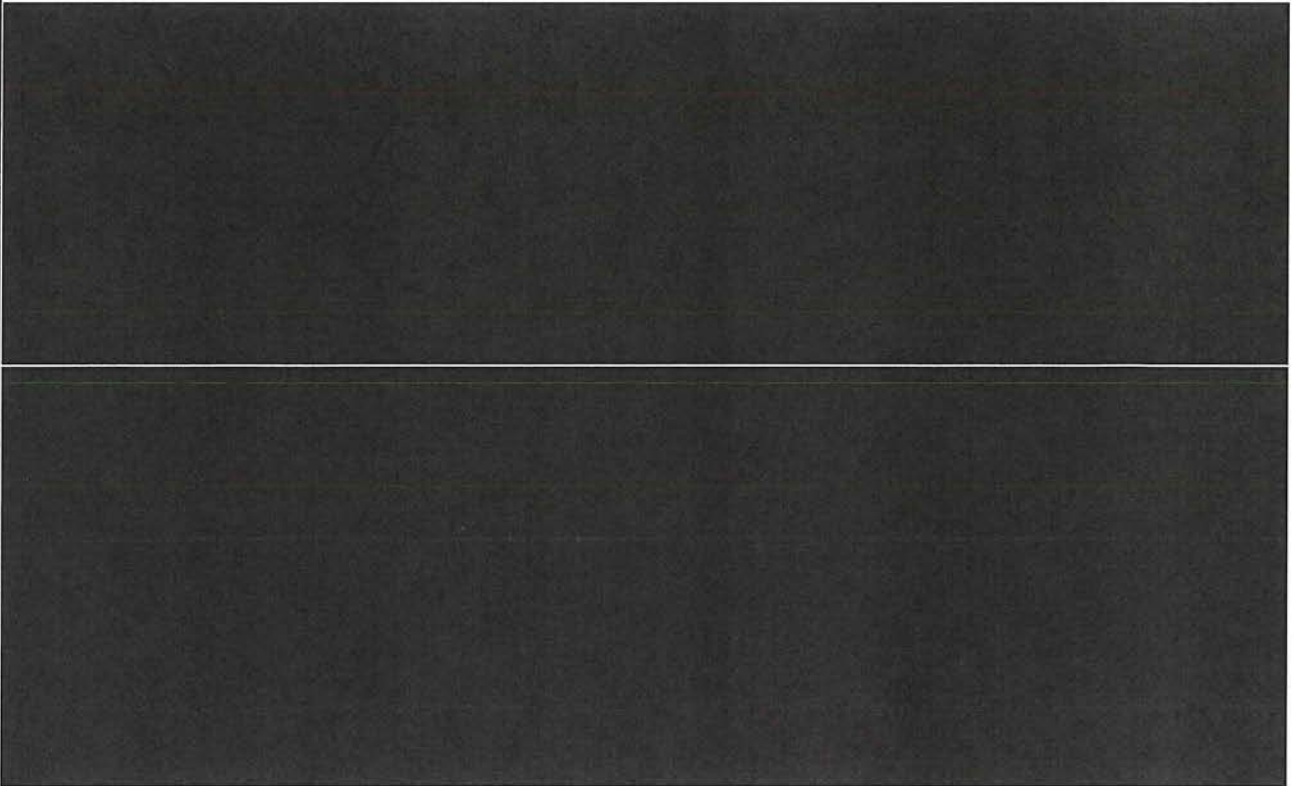
6. Attached hereto as Exhibit 1 are [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Wiretaps

8. Wiretap applications, orders, sealing orders, and associated status reports, are filed under seal as required by law and are typically given a “misc” designation by the NDCA clerk’s office, unless they are filed in connection with an already-indicted case.

9. The documents associated with a wiretap may be titled generically “In the Matter of the Application of the United States for an Order Authorizing the Interception of Wire Communications,” or the number of the target telephone may appear in the caption.

10. Wiretap applications and orders typically contain a variety of private personal information about individuals such as names, social security numbers, birth dates, and telephone numbers. Because wiretap applications and orders are required to name individuals who may be intercepted, they may include such information concerning individuals who are not suspected of criminal activity, such as the wives, girlfriends, relatives, or friends of the target of the investigation. In addition, wiretap applications are often based on previously-recorded conversations which have given rise to probable cause to believe the telephone in question is being used for criminal activity. Such conversations may have been obtained from other wiretaps, and thus, their content is doubly-protected

1 by the wiretap statute. Where the affidavit refers to a wiretap conducted in another district, that other
2 district would need to be consulted before the existence of the wiretap or details about it could be
3 unsealed.

4 11. Such matters are virtually never unsealed except pursuant to a protective order entered
5 after charges are filed. The protective order typically prohibits any party who is provided access to
6 wiretap materials from further disseminating the materials, requires that the party store the materials in
7 secure fashion, prohibits use of the materials outside of the needs of charged criminal case, and provides
8 that all materials must be returned or destroyed at the end of the case.

9 12. Wiretap matters that do not result in criminal charges typically remain sealed as required
10 by statute and are not disclosed outside of the prosecutors and investigators who were involved in
11 obtaining and conducting the wiretap. Consistent with the purposes of the statute, this is to protect the
12 privacy of individuals who are investigated of criminal activity but who are not ultimately charged.

13 13. We were unable to determine whether any of the documents filed in the miscellaneous
14 matters identified on Petitioners' Exhibit A are wiretap applications, orders, or related documents.

[REDACTED]

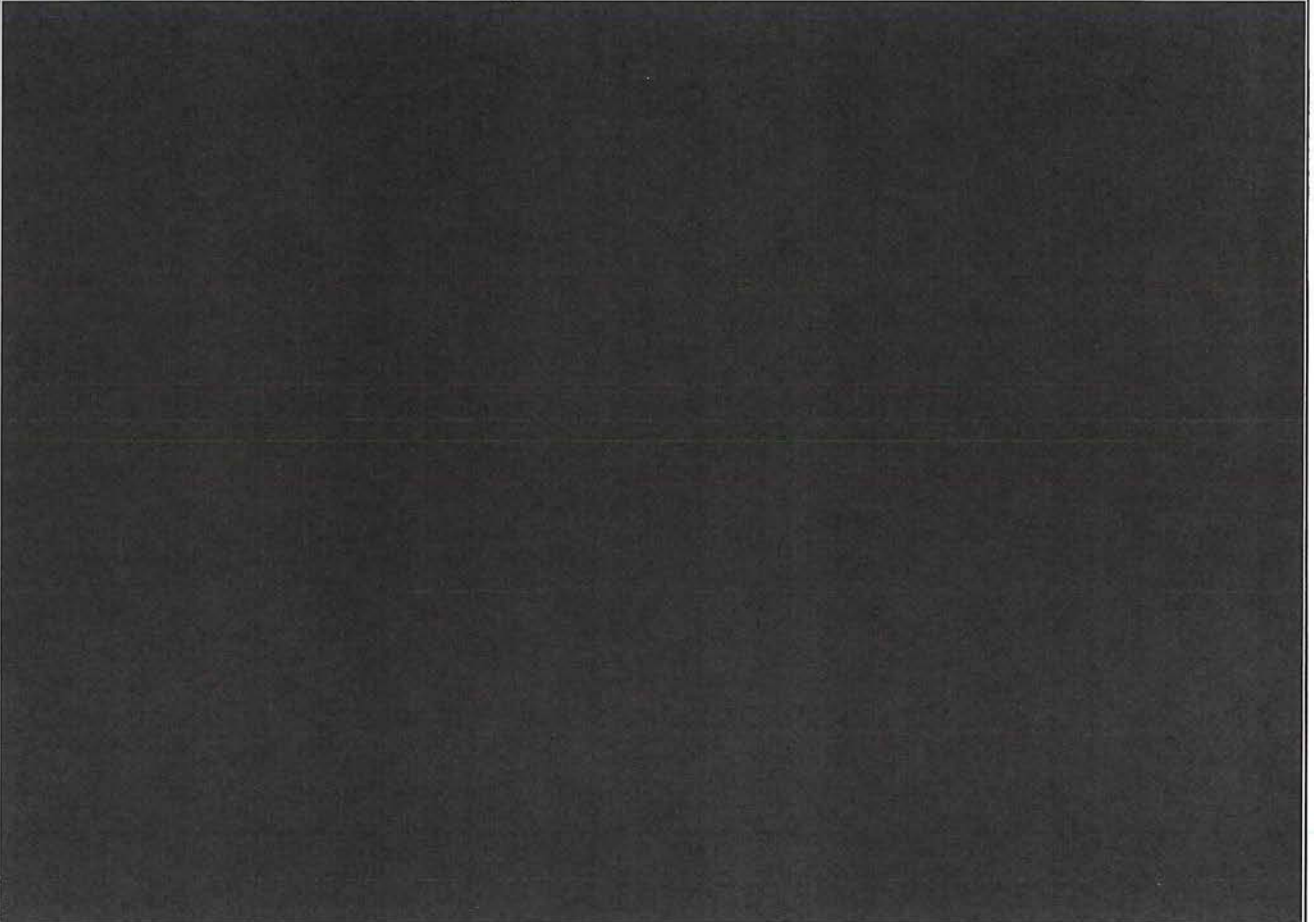
[REDACTED]

[REDACTED]

Pen Registers / Trap and Trace Orders

17. Pen register applications and orders are filed under seal as required by law. Pen register applications contain descriptions of the investigation sufficient to provide reasonable cause to believe the communications facility is being used in criminal activity. Such explanations may discuss confidential informants, cooperating witnesses, on-going wiretaps, grand jury matters, and may disclose law enforcement techniques. Such matters are unsealed typically only pursuant to a protective order entered after charges are filed. Pen registers that do not result in criminal charges typically remain

1 sealed as required by statute and are not disclosed outside of the prosecutors and investigators who were
2 involved in obtaining and conducting the pen register.

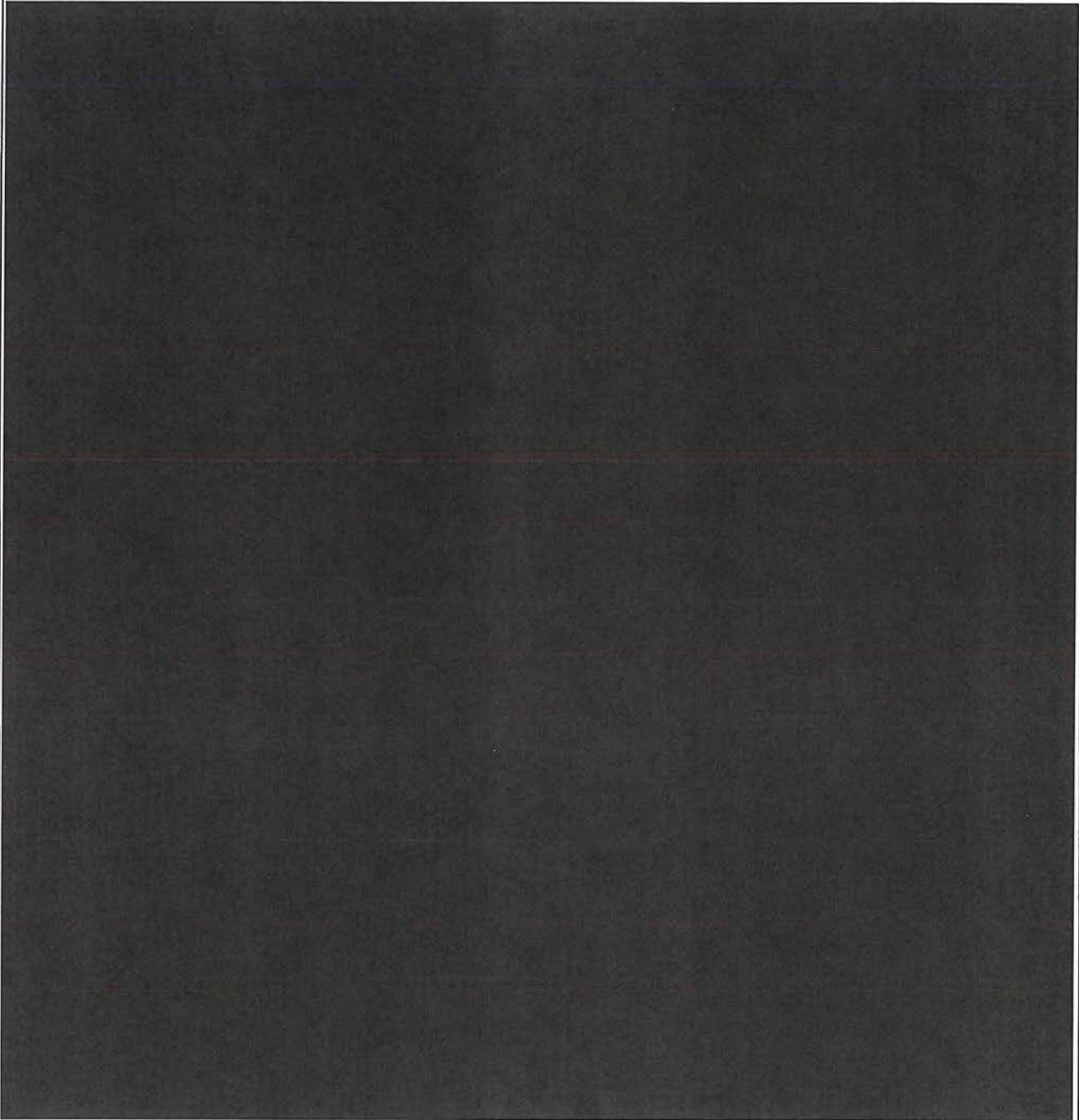


18 Ex Parte Tax Orders

19 20. Applications and orders for tax information to be used in a criminal investigation are filed
20 under seal as required by statute. Such information may discuss confidential informants, cooperating
21 witnesses, wiretap investigations, grand jury matters, and law enforcement techniques. Such
22 applications and orders necessarily include the names, social security numbers, addresses, and other
23 private information of the tax payers at issue, as well as significant details regarding the investigation.

24 21. Ex Parte tax applications and orders are typically unsealed only pursuant to a protective
25 order issued in connection with discovery as part of an indicted criminal case. The protective order
26 typically prevents further disclosure of the application and order.

27 22. Sealed ex parte tax applications and orders issued in investigations that do not lead to
28 criminal charges are typically not unsealed.



23 Search Warrants – Physical Location

24 26. Search warrants for physical locations (i.e. buildings, cars, businesses) may be filed under
25 seal pursuant to a sealing request that sets forth the reasons the documents need to be under seal. A
26 detailed affidavit establishing probable cause to believe that evidence of a crime will be found in the
27 location to be searched accompanies the warrant application. Such an affidavit may identify cooperating
28 witnesses, confidential sources, wiretap information, grand jury matters, and law enforcement

1 techniques. Even where confidential sources and undercover agents are not identified by name, the
2 details provided about their activities may provide clues to their identities. Because search warrants are
3 issued for places to be searched, they may involve locations that are owned by or associated with
4 individuals who are not themselves suspected of criminal activity. A copy of the warrant is required to
5 be left at the location being searched, unless the court has authorized a "sneak and peak" warrant, in
6 which case a copy of the warrant must be served within the time specified by the court.

7 27. Search warrants may be unsealed generally or may be unsealed under the terms of a
8 protective order that prohibits disclosure to persons other than the parties to a case.

9 28. Sealed search warrants conducted in investigations that do not lead to criminal charges
10 are typically not unsealed but are served as required by Federal Rule of Criminal Procedure 41.

1 [REDACTED]

2 Search Warrant – Electronic Evidence

3 33. Search warrants for electronic evidence (i.e. e-mail, Facebook pages, pay pal records,
4 etc.) are served on the service provider. Whether the service provider provides notice to the account
5 holder is subject to the service provider's internal policies. These types of warrants and applications
6 may be filed under seal and be subject to a non-disclosure order issued by the court upon a showing of
7 good cause. The non-disclosure order expires at a time set by the court. At such time, the service
8 provider may provide notice to the account holder, subject to the service provider's internal policies.

9 34. Search warrants for electronic evidence may be unsealed generally or may be unsealed
10 under the terms of a protective order that prohibits disclosure to persons other than the parties to a case.

11 35. Sealed search warrants conducted in investigations that do not lead to criminal charges
12 are typically not unsealed, although they are served at the time designated by the court.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

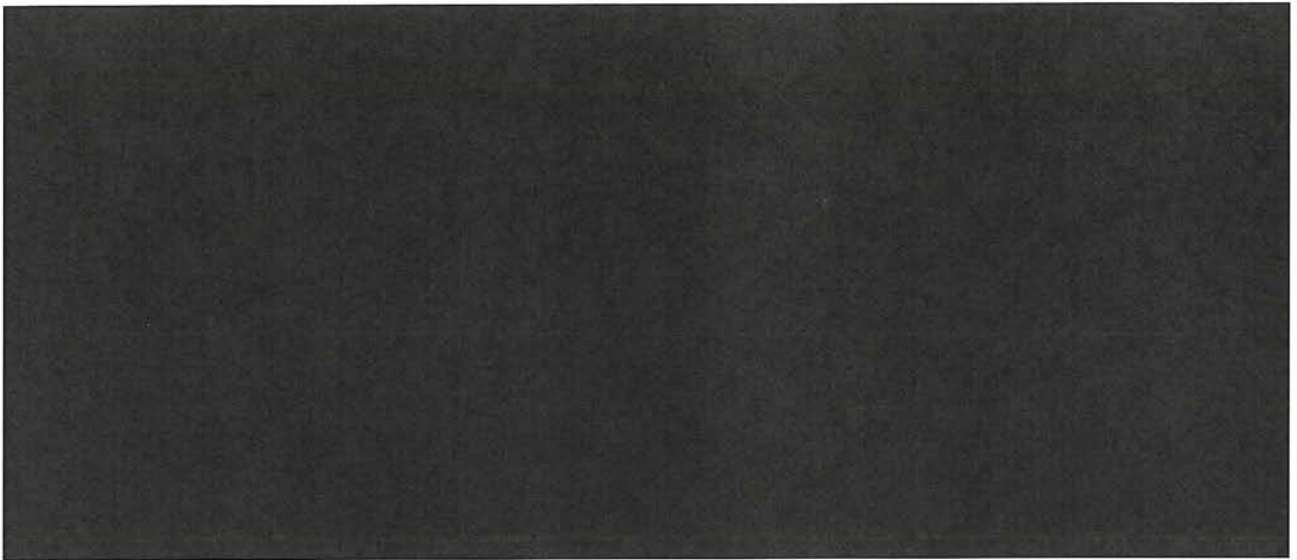
24 [REDACTED]

25 [REDACTED]

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28 [REDACTED]

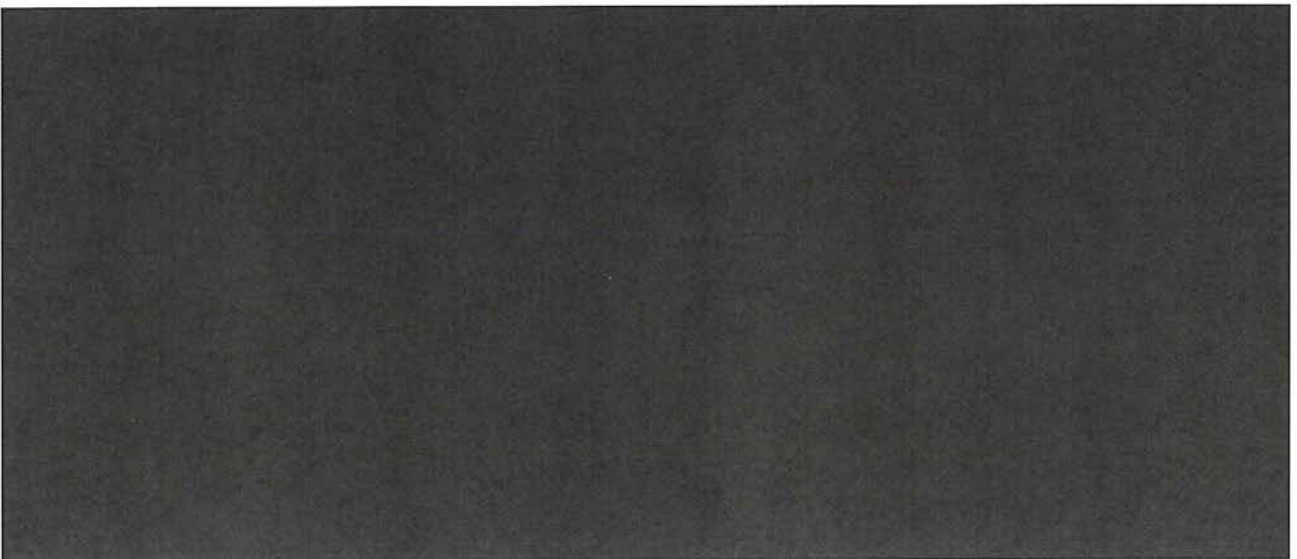


Search Warrants – Trackers

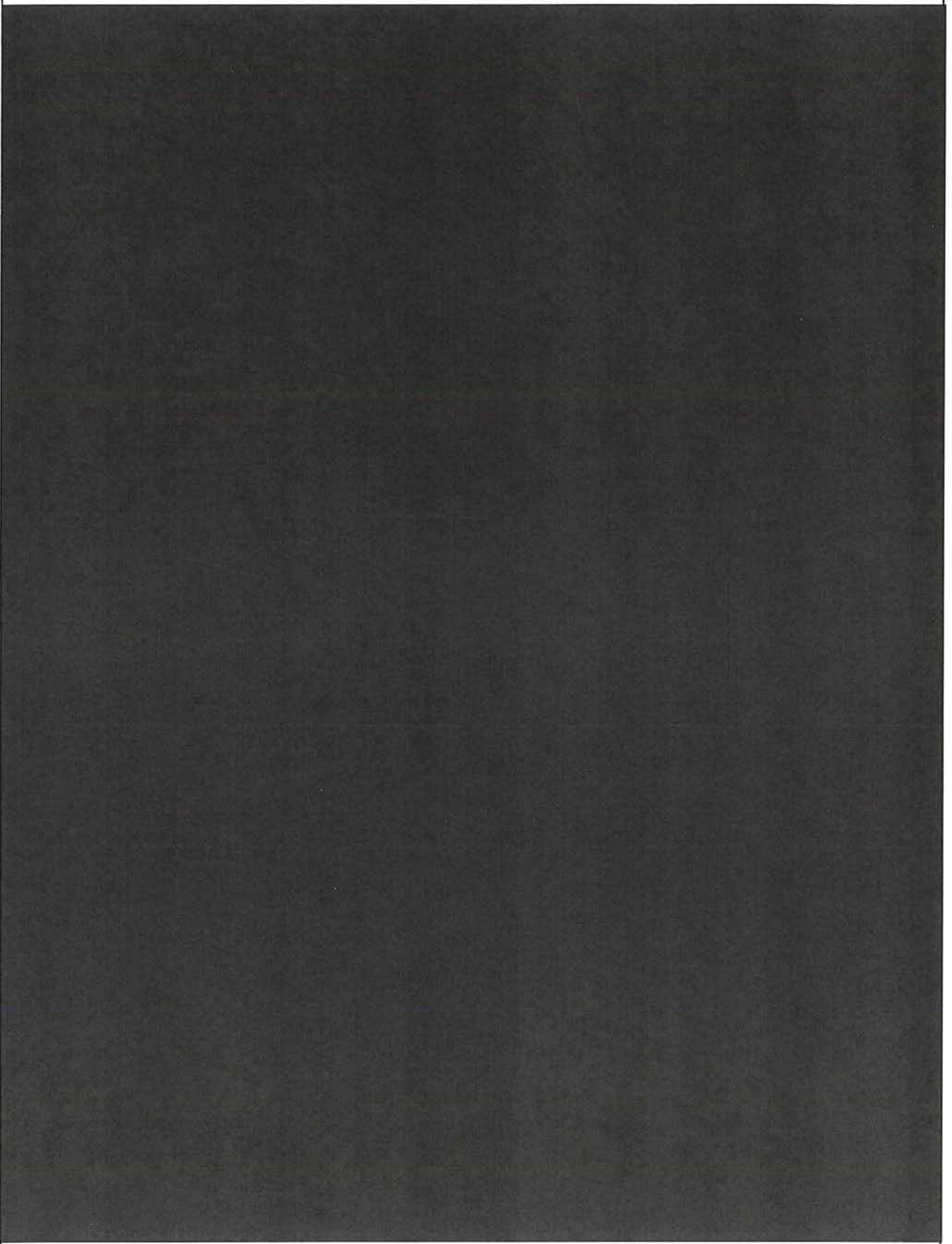
41. Search warrants to install a tracking device on a vehicle or to track a cellular telephone using GPS or other data are typically filed under seal, as the purpose of the tracking warrant would be frustrated by the target knowing that he or she was being surveilled. For the same reason, tracker warrants are typically accompanied by orders that permit delayed service of the warrant until such time as designated by the court.

42. Search warrants for tracking may be unsealed generally or may be unsealed under the terms of a protective order that prohibits disclosure to persons other than the parties to a case.

43. Tracking warrants conducted in investigations that do not lead to criminal charges are typically not unsealed, although they are served at the time designated by the court.



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7 Stored Communications Act (SCA)

8 52. SCA orders, typically obtained pursuant to 18 U.S.C. § 2703(d), (i.e. records related to e-
9 mail, Facebook pages, pay pal records, etc.) are served on the service provider. Whether the service
10 provider provides notice to the account holder is subject to the service provider's internal policies.
11 These types of orders may be filed under seal and subject to a non-disclosure order issued by the court
12 upon a showing of good cause. The non-disclosure order expires at a time set by the court. At such
13 time, the service provider may provide notice to the account holder, subject to the service provider's
14 internal policies. Applications for such orders contain a detailed explanation of why the information is
15 necessary to a criminal investigation. Such information may discuss confidential informants,
16 cooperating witnesses, wiretap investigations, grand jury matters, and law enforcement techniques.

17 53. SCA orders may be unsealed generally or may be unsealed under the terms of a
18 protective order that prohibits disclosure to persons other than the parties to a case.

19 54. Sealed SCA orders conducted in investigations that do not lead to criminal charges are
20 typically not unsealed, although they are served at the time designated by the court.
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27 Mutual Legal Assistance Treaty (MLAT) / Extradition

28 56. Where the country issuing an MLAT or extradition petition requests confidentiality, the

1 associated MLAT or extradition documents are typically filed under seal. Such requests are typically
2 governed by treaties that require the United States to respect requests for confidentiality where possible.
3 Such treaties typically provide that the requesting country be informed if the request for
4 confidentiality is not going to be honored. Such requests are typically not unsealed unless legal action is
5 taken against the target in the United States or upon request by the issuing country. The NDCA USAO
6 is typically not informed of the progress or outcome of the investigation conducted in the foreign
7 country, and, absent further diplomatic communications, has no way of knowing whether the need for
8 confidentiality has expired.

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23 All Writs Orders – Pole Cameras

24 59. Although the law does not require a court order to install a surveillance camera that
25 covers areas only open to public view, some service providers require court orders before such cameras
26 can be installed on their property (i.e. [REDACTED] utility poles). Orders
27 for such cameras are obtained pursuant to the All Writs Act and are served on the service provider.
28 Applications for such orders contain a detailed explanation of why the order is necessary to a criminal

1 investigation. Such information may discuss confidential informants, cooperating witnesses, wiretap
2 investigations, grand jury matters, and law enforcement techniques. These types of orders are typically
3 filed under seal, as the purpose of the order would be frustrated by the target knowing that he or she was
4 being surveilled.

5 60. Pole camera orders may be unsealed generally or may be unsealed under the terms of a
6 protective order that prohibits disclosure to persons other than the parties to a case.

7 61. Sealed pole camera orders conducted in investigations that do not lead to criminal
8 charges are typically not unsealed.

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20 All Writs Act Orders – Other

21 64. The All Writs Act is used in a variety of circumstances to assist with criminal
22 investigation and prosecutions. Examples include orders issued to locate witnesses for trial, orders
23 issued to located fugitives, and other orders that may be necessary to facilitate a criminal investigation.
24 Because these orders are typically issued during the covert stage of an investigation or to locate a
25 fugitive or witness who does not wish to be found, they are often filed under seal.

26 65. All writs act orders may be unsealed generally or may be unsealed under the terms of a
27 protective order that prohibits disclosure to persons other than the parties to a case.

28 66. Sealed all writs act orders issued in investigations that do not lead to criminal charges are

1 typically not unsealed.

2 Protective Orders

3 67. The NDCA USAO does not currently associate miscellaneous matters with indicted
4 cases. As a result, it is not possible to search the NDCA USAO's electronic records to determine
5 whether a particular matter with a "misc" case number (such as a search warrant or pen register) was
6 later unsealed in connection with an indicted case, or whether such documents are subject to a protective
7 order. To make such a determination, the physical records of discovery provided to the defense in an
8 indicted matter would need to be searched to determine whether the "misc" matter was included in
9 documents covered by a protective order. In some cases, due to the age of the case, the manner in which
10 records were kept by the responsible AUSA, or the fact that the responsible AUSA is no longer with the
11 Office, it may no longer be possible to make this determination.

12 68. The protective orders used in the NDCA typically prevent the party to whom the
13 information is disclosed (almost always counsel for the defendant) from disseminating the materials
14 covered by the protective order or the information contained therein other than as necessary to prepare
15 for and conduct the defense in the criminal matter. These protective orders almost always require that
16 the party return or destroy the covered materials at the close of the criminal proceedings.

17 69. Attached hereto as Exhibit 24 is a true and correct copy of a Stipulation and Discovery
18 Protective Order Between the United States and Defendants issued in case number CR 11-00090-DLJ.
19 I have been informed by the AUSA in charge of matter CR 11-00090-DLJ that this protective order, or
20 one similar to it, covers the documents attached as Exhibits 4, 5, 7, 13-15, and 23, as well as other
21 documents filed in those miscellaneous matters and others. As is typical for this district, the protective
22 order provides for disclosure of the materials to defense counsel who must store them in a secure
23 location, may not disclose them except to members of the defense team, may use them only to prepare
24 the defense of the case, and must return or destroy them at the end of the case. The AUSA in charge of
25 this matter informed me that the documents in the matters discussed above were unsealed for the limited
26 purpose of providing discovery and remain sealed for all other purposes.

1 I declare under penalty of perjury that the above is true and correct to the best of my knowledge
2 and belief.

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4 DATED: February 10, 2017


KIRSTIN M. AULT
Assistant United States Attorney

EXHIBIT 1

REDACTED

EXHIBIT 2

REDACTED

EXHIBIT 3

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EXHIBIT 4

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EXHIBIT 5

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EXHIBIT 6

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EXHIBIT 20

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EXHIBIT 21

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EXHIBIT 22

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EXHIBIT 23

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EXHIBIT 24

FILED

SEP 28 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

JOHN N. GLANG (GUAMBN 94012)
Assistant United States Attorney

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Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MARTIN RAMIREZ GOMEZ,
ZOSI AMBROSIO,
BRENDA SUE RAMIREZ,
RICHARD MICHAEL BRADY,
DAVID JAMES BRAUN,
GAYLE MARRIE CUTTS,
MARGO LAURA EIGHMY,
CHARLES LOUIS FISHER,
BRIGITTE DENISE GAFFORD,
KARINA GARCIA,
LLOYDENE LEA RENNACKER,
JEANNE SUSAN RIXON,
STEVEN EUGENE STERLING,
SUSANA VIOLETA VALENCIA,
MATTHEW AARON VAN NUYS,
HALEY JANE WRIGHT,

Defendants.

No. CR 11-00090-DLJ

STIPULATION AND ~~PROPOSED~~
DISCOVERY PROTECTIVE ORDER
BETWEEN THE UNITED STATES AND
DEFENDANTS

The above-captioned defendants and the United States of America, by and through their
counsel of record, hereby agree and stipulate as follows:

1 1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal
2 Rules of Criminal Procedure, and its general supervisory powers.

3 2. This Order pertains to all discovery provided to or made available to defense
4 counsel as part of discovery in the above-cited case.

5 3. The discovery and information therein may only be used in connection with the
6 litigation of this case and for no other purpose. Defense counsel will return the discovery to the
7 government, or certify that it has been shredded at the conclusion of the case, which includes
8 appellate review and the resolution of any competency of counsel issues.

9 4. Defense counsel shall not provide any of the discovery to any person other than
10 to his/her respective defendant/client, or attorneys, law clerks, paralegals, secretaries, experts,
11 and investigators involved in the representation of his/her defendant/client, for the purpose of
12 said representation. Further, in disclosing discovery to defendants, personal information
13 contained in the discovery, including individuals' dates of birth, addresses (physical and email),
14 telephone numbers, social security numbers, and driver's license numbers, shall be redacted, and
15 shall not be provided to any defendant in any manner or form.

16 5. Defense counsel shall advise his/her respective defendant/client, employees,
17 other authorized members of the defense team and defense witnesses of the terms of this
18 stipulation and order, and that use of the subject discovery materials for a purpose other than in
19 connection with the litigation of this case may be subject to criminal sanctions.

20 6. Defense counsel will store the discovery in a secure place and will exercise due
21 diligence to ensure that it is not disclosed to third persons in violation of this agreement.
22 Similarly, if defense counsel makes or causes to be made, copies of any of the discovery, defense
23 counsel will exercise due diligence to maintain control of said copies and to ensure that said
24 copies are stored in a manner to safeguard against the inappropriate use of said materials.

25
26 DATED: September 27, 2011

MELINDA HAAG
United States Attorney

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28 /s/

JOHN N. GLANG
Assistant United States Attorney

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/s/

BRUCE CHARLES FUNK
Attorney for defendant Jose Martin Ramirez Gomez

/s/

HUGH ANTHONY LEVINE
Attorney for defendant Brenda Sue Ramirez

/s/

THOMAS J. FERRITO
Attorney for defendant Zosi Ambrosio

/s/

JAMES McNAIR THOMPSON
Attorney for defendant Richard Michael Brady

/s/

ADAM V. PENNELLA
Attorney for defendant David James Braun

/s/

GRAHAM E. ARCHER
Attorney for defendant Gayle Marrie Cutts

/s/

JERRY Y. FONG
Attorney for defendant Margo Laura Eighmy

/s/

JEANE DeKELVER
Attorney for defendant Charles Louis Fisher

/s/

MICHELLE D. SPENCER
Attorney for defendant Brigitte Denise Gafford

/s/

SUZANNE M. MORRIS
Attorney for defendant Karina Garcia

/s/

WM. MICHAEL WHELAN, JR.
Attorney for defendant Lloydene Lea Rennacker

/s/

MARY E. CONN
Attorney for defendant Jeanne Susan Rixon

/s/

FRANK BELL
Attorney for defendant Steven Eugene Sterling

/s/

VICKI H. YOUNG
Attorney for defendant Susana Violeta Valencia

1 /s/
2 CHESTER J. PHILLIPS, JR.
3 Attorney for defendant Matthew Aaron Van Nuys

4 /s/
5 ALFREDO M. MORALES
6 Attorney for defendant Haley Jane Wright

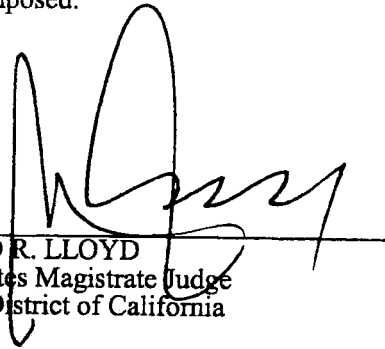
7 **ORDER**

8 Based upon the stipulation of the parties, and for good cause shown, the Court hereby
9 ORDERS that the terms of the stipulation between the United States and the above-captioned
10 defendants pertaining to the discovery in this case be imposed.

11 IT IS SO ORDERED.

12
13 DATED:

9/28/11

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15 HOWARD R. LLOYD
16 United States Magistrate Judge
17 Northern District of California
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MELINDA HAAG (CABN 132612)
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J. DOUGLAS WILSON (DCBN 412811)
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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS TORRES SANCHEZ,

Defendant.

CASE NO. 11-00090-DLJ

STIPULATION AND ~~PROPOSED~~ DISCOVERY
PROTECTIVE ORDER BETWEEN THE UNITED
STATES AND THE DEFENDANT

The above-captioned defendant and the United States of America, by and through their counsel of record, hereby agree and stipulate as follows:

1. This Court may enter protective orders pursuant to Federal Rule of Criminal Procedure 16(d) and its general supervisory powers.

2. This Order pertains to all discovery provided to or made available to defense counsel as part of discovery in the above-captioned case.

3. The discovery and information therein may only be used in connection with the litigation of this case and for no other purpose. Defense counsel will return the discovery to the government, or

STIPULATION AND [PROPOSED] DISCOVERY PROTECTIVE ORDER BETWEEN THE
UNITED STATES AND THE DEFENDANT

1 certify that it has been shredded at the conclusion of the case, which includes appellate review and the
2 resolution of any competency of counsel issues.

3 4. Defense counsel shall not provide any of the discovery to any person other than
4 to his/her respective defendant/client, or attorneys, law clerks, paralegals, secretaries, experts, and
5 investigators involved in the representation of his/her defendant/client, for the purpose of said
6 representation. Further, in disclosing discovery to the defendant, personal information contained in the
7 discovery, including individuals' dates of birth, addresses (physical and email), telephone numbers,
8 social security numbers, and driver's license numbers, shall be redacted, and shall not be provided to the
9 defendant in any manner or form.

10 5. Defense counsel shall advise his client, employees, other authorized members of the
11 defense team, and defense witnesses of the terms of this stipulation and order, and that use of the subject
12 discovery materials for a purpose other than in connection with the litigation of this case may be subject
13 to criminal sanctions.

14 6. Defense counsel will store the discovery in a secure place and will exercise due
15 diligence to ensure that it is not disclosed to third persons in violation of this agreement. Similarly, if
16 defense counsel makes or causes to be made, copies of any of the discovery, defense counsel will
17 exercise due diligence to maintain control of said copies and to ensure that said copies are stored in a
18 manner to safeguard against the inappropriate use of said materials.

19
20 It is so stipulated:

21 Dated: October 30, 2014

/s/

JOHN N. GLANG
Assistant United States Attorney
Northern District of California

22
23
24 It is so stipulated:

25 Dated: October 30, 2014

/s/

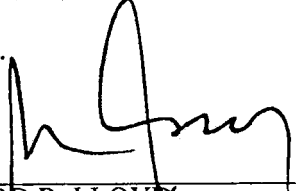
DAVID L. PLOTSKY
Attorney for defendant Jesus Torres Sanchez

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28 STIPULATION AND [PROPOSED] DISCOVERY PROTECTIVE ORDER BETWEEN THE
UNITED STATES AND THE DEFENDANT

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court hereby ORDERS that the terms of the stipulation between the United States and the above-captioned defendant pertaining to the discovery in this case be imposed.

Dated: 11/3/14



HOWARD R. LLOYD
United States Magistrate Judge
Northern District of California

STIPULATION AND [PROPOSED] DISCOVERY PROTECTIVE ORDER BETWEEN THE
UNITED STATES AND THE DEFENDANT